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SHORT LITERATURE NOTICES

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Conly, S.: 2012, *Against Autonomy. Justifying Coercive Paternalism*. New York: Cambridge University Press. 206 pp. ISBN 978-107024847. Price: € 63.80

This volume by Sarah Conly, Assistant Professor of Philosophy at Bowdoin College in Brunswick, Maine, is a thought-provoking contribution (in every sense of the word provoking) both to general practical philosophy and to biomedical ethics in particular.

In *Against Autonomy* she defends the thesis that paternalism by means of coercion can be ethically justified by means of laws and state actions. Conly bases her argument on two premises: Firstly, she refers the reader to empirical studies which have established that human beings are limited in terms of rationality so that their decision-making is systematically flawed. Secondly, she presupposes a philosophical framework in which realizing a good life is the supreme value and autonomy is only regarded as an instrumental or contributory value. Due to these psychological limitations, the position of liberalism—that we have to respect autonomous decisions as such—does not seem plausible in her eyes.

Here Conly misses deontological conceptions of autonomy which do not justify its value with the consequences of these decisions (or psychological consequences of overruling them), but acknowledges an intrinsic value of autonomy as such (beyond our empirical psychological make-up). One alternative which tries to integrate paternalism into an overall libertarian framework (e. g. the approach suggested by Sunstein and Thaler) is criticized because the manipulative dimension is hurting autonomy and the measures justified are not effective so that a loss–loss-situation occurs. Against these two alternatives, Conly defends her version of coercive paternalism which "manifests respect for the value of human lives by trying to help people live fruitful lives in which they are able to achieve their own ultimate goals" (9).

Conly argues against Mill's position which is very famous in the paternalism debate by convincingly demonstrating that his arguments are problematic because of some empirical presuppositions (e. g. concerning our rationality), on the one hand, and his prognoses having been falsified by real social developments. Throughout her book, Conly's attacks against liberalists' slippery slope arguments which hint at the dangers arising from paternalism and conceptions of flourishing lives are convincing. Her strategy is twofold: She shows that empirical presuppositions concerning the rationality of our decisions have been falsified by recent empirical research; and she demonstrates that there are no categorical divides between respecting autonomy and enabling human beings to realize their values effectively. As long as we take into account only the consequences of paternalistic interventions it is impossible to ban paternalism totally.

I am inclined to follow Conly's arguments to some extent, but I think that she overdraws her point when she accepts that legal paternalism and the state as paternalist actor can be defended ethically because we know that human beings systematically fail to be ideally rational in many situations. On the one hand, those aspects of autonomy which are articulated in deontological approaches are ignored this way since autonomy is taken into account only instrumentally. And on the other hand, paternalism qua law or state action have a different quality than those paternalistic interventions which are legitimized by ethical

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considerations alone. I would follow Conly's diagnosis that we cannot and should not ban paternalism totally from an ethical point of view. And I think she is right that we have to weighing up different values and norms so that categorical answers cannot be plausible. But it simply does not follow from this that we should coerce human beings by state action or by law, even if we know that we all are suboptimal deciders. Here normative considerations come into play, which are beyond consequentialist ethical thinking, not to mention all those historical experiences some societies have had to make with paternalism by law or state.

To sum up: I am neither convinced by her overall philosophical position, nor by all arguments she delivers in *Against Autonomy*. But this book is worth reading because it poses the right questions and does not shy away from consequences which may be drawn from this although violating political correctness at first sight. *Against Autonomy* is an uncomfortable book because it addresses a basic problem of our Western societies and Conly is an inconvenient author because she does not calm down with shallow compromises and too optimistic descriptions of our current situation.

Every reader who wants to defend autonomy as a central value and is also interested in a solidary society structured in such a way that normal and finite human beings can lead good lives within will have to face the challenge posed by *Against Autonomy*. If we take into account the distinction between ethics and law, and if we do not restrict our philosophical thinking concerning autonomy to consequentialism, I am sure we can defend other solutions than those provocative ones that Conly defends. But they will not be easy to have and they will have to accept some paternalistic restrictions, too. Having shown this without any conceptual space for philosophical illusions might be the greatest achievement of Sarah Conly's *Against Autonomy* which should be studied by everyone who is interested in defending autonomy and liberty for finite human beings.

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Venkatapuram, S.: 2011, *Health Justice: An Argument from the Capabilities Approach.* Cambridge, UK: Polity. 288 pages. ISBN 978-0745650357. Price: £16.99

Health Justice contributes to the small but steadily growing body of literature aiming to extend theories of social justice to health. In contrast, for example, to Norman Daniels's adaptation of John Rawls's principle of equality of opportunity to health (*Just Health: Meeting Health Needs Fairly*, Cambridge University Press, 2008), Sridhar Venkatapuram defends a capabilities approach (CA) to health justice. His primary claim is that everyone has a moral entitlement to a capability to be healthy. We can break down the central arguments of the book into five primary parts.

Venkatapuram claims that health should be understood as an overarching- or meta-capability necessary to achieve certain central human capabilities. He argues that instead of using the biostatistical model of health, which defines health as the absence of disease, we should use the CA to give objective content to Lennart Nordenfelt's definition of health as the ability to achieve vital goals.

Second, Venkatapuram argues that the CA should be used as the dominant epidemiological model for understanding the causes and distribution of health, highlighting particularly how a CA can integrate various models of the social determinants of health.

Third, he explains what is meant by the notion of capability. In basic terms, it is something a person is able to be or do, such as the ability to be mobile. Drawing on Amartya Sen, Venkatapuram claims that an in-depth understanding of capability relies on a number of distinctions, including those drawn between functionings and capabilities, and between well-being and agency functionings.

Four, he argues that a capability to be healthy, understood as a meta-capability to achieve central capabilities, is a moral entitlement owed to all human beings, and justified as a requirement of human dignity. Five, Venkatapuram highlights why he believes the CA should be preferred over alternatives, such as theories of justice which define advantage in terms of commodities or welfare, or Daniels's Rawlsian theory of health justice.

While I am particularly sympathetic to using the CA as a framework for health justice, aspects of Venkatapuram's argument are puzzling. Most questionable is the claim that health should be defined as a meta-capability, rather than as one of many capabilities. By defining health in this way, the unintended upshot of Venkatapuram's argument is that we could relabel many general theories of social justice, theories of health justice. If health is associated with the overall capability to lead a minimally decent life then any general theory of justice providing a framework for a minimally decent life becomes a theory of health justice. This makes little progress with what we most need from a capabilities account of health justice, which is, firstly, how to understand the capabilities most associated with impairment and disease (e.g. Martha Nussbaum's capability of bodily health as one among many central capabilities). Secondly, we also need to know how a CA could provide guidance for the fair distribution of health care resources and the social determinants of impairment and disease. While Venkatapuram highlights how important it is to address these determinants, and indicates why a CA

will prove useful as a framework for health policy, there is still much work to be done in best articulating how a CA should be applied to health justice.

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Oosterlaken, I., Hoven, J. van den (eds.): 2012, *The Capability Approach, Technology and Design.* Dordrecht: Springer. 264 pages. ISBN: 978-94-00738782. Price: € 106.95

Over the last two decades, the capability approach has gained popularity as an influential conceptual framework for examining and discussing issues surrounding justice and well-being. The foundational concept of this approach, developed by Martha Nussbaum and Amartya Sen, is that in some cases the key evaluative areas are not income, resources, primary goods, utility, or preference satisfaction, but rather, it is more appropriate to conduct evaluations of justice and well-being based on human capabilities. The capability approach establishes normative value for maintaining some human capabilities as rights for all. According to the editors, the capability approach and technology are not frequently linked in existing literature. This book aims to bring together a range of issues in technologies that are very relevant for the capability approach. The chapters are written by a variety of international scholars from different disciplines that offer perspectives on the scope of application of the capability approach. The book begins by providing a concise introduction to fundamental aspects of the capability approach as well as a review of current literature pertaining primarily to technology and design.

The book is divided into two sections. The first section addresses the capability approach and technology in general. There are a number arguments presented in the chapters that demonstrated the relevant connection between technology and the capability approach. Recent research in the philosophy of technology has shown that human values and human capabilities are embedded in existing and emerging technologies. There is an additional connection in the sentiment that there is an inherent relationship between access to technology and living a good life. Several authors hold, but it is explicitly argued by Hoven in chapter 2, that technology possesses the unique capacity to amplify human capacities. Therefore, the realization, exploration, and analysis of the connection between the capability approach and technology allows for the capability approach to be applied as a practical ethics approach to social justice aimed at improving the quality of life for the global poor. Applications and case studies included in the chapters address a range of areas including the One Laptop Per Child program, care of the elderly, developing sustainable synergy in government, and podcasting devices in Zimbabwe.

The second section of the book focuses on the connection between the capability approach and artifact and technical design. The concern for human capabilities is deeply ingrained in the technical design of artifacts, although throughout history this has not always been the case. The chapters in this section attempt to determine which human capacities are important, and how design processes should reflect the perception of what is good. New approaches, such as capability-based design argued for by Murphy and Gardoni in chapter 10, suggest that capabilities can provide a conceptual framework for addressing practical problems in risk assessment and management as well as provide guidance for design choices in the research and development process of new artifacts.

Reading this book gives individuals who are unfamiliar with the capability approach an excellent introduction as well as a variety of potential applications, and provides those familiar with it a window into the not extensively explored connection between technology and the capability approach. *The Capability Approach, Technology and Design* is a multifaceted contribution to existing literature on the subject, bringing together theoretical arguments as well as analyses on a range of applications.

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Barilan, Y. M.: 2012, *Human Dignity, Human Rights, and Responsibility*. *The New Language of Global Bioethics and Biolaw*. Cambridge, MA: The MIT Press. 368 pages. ISBN 978-0-262017978. Price: US$ 36.00

According to the Universal Declaration of Rights of 1948, every human being has an inherent dignity, that is, an intrinsic value, which is inalienable and independent of all additional contingent features of that individual. That is the reason why all human beings, without discrimination, should be equally entitled to human rights. The concept of dignity, however, does not have in moral philosophy a clear meaning or function on which a universal consensus could be achieved. This perplexity brings about ethical and philosophical problems while some of the new biotechnological possibilities are thought to be threatening respect for human dignity.

The book by Michael Barilan, professor of Medical Education at Tel Aviv University, presents the philosophical roots and the historical development of the concept of dignity, and offers a theory of human dignity and human rights. The titles themselves of each chapter help readers to have a first impression of this comprehensive book. The

volume consists of seven chapters: (1) Introduction, (2) Hermeneutics and The History of Human Dignity, (3) Reconstructing Human Dignity as a Moral Value, (4) Human Rights or Natural Moral Rights, (5) Moral Status, (6) Responsibility Beyond Human Rights, (7) A Synthetic Summary.

Barilan starts by clarifying the terminology of the basic concepts he uses in order to avoid any misunderstanding. This initial summary is also useful for the reader to become aware of the key ideas the author intends to develop. The second chapter provides a comprehensive overview of the historical development of the concept of dignity and of the different understandings of dignity in various traditions. The third chapter offers a philosophical account of human dignity as a moral value, and provides a philosophical theory of this concept. It also gives a good ground for a descriptive definition of the term. The minimal requirements of human dignity are discussed in detail in order to find out what dignity is. Barilan defines dignity as an intrinsic value, which is not limited to some interrelated values, such as respect for autonomy (the author calls it "residual dignity"). Furthermore, by giving different usages of the concept of human dignity, he provides a broad and comprehensive understanding of it. In the fourth chapter, the book offers a theory of human rights which is based on two reasoning: human beings as having the strongest moral status deserving the protection of basic values, and the historical development of human rights and their reliance on human dignity. The fifth chapter is about the moral status of persons and the very structure of human rights. It is argued that this structure brings about the conditions for humans that can benefit from and practice these rights. The sixth chapter examines the dignity-related values that should be considered by a notion of responsibility, which are not governable by human rights. It explores how the notion of responsibility may help to address the threats to human dignity. The last chapter consists of a synthetic summary of the philosophical arguments developed in the book.

The volume is clearly written and well structured. The author gives his own reasons for having developed each chapter and each section, which helps the reader to follow his arguments. In addition, by considering everything step by step and by giving reasons for the arguments, it can be said that the book is written in an accountable way. The theory of human dignity and human rights developed in this volume might not be able to provide an answer to all our moral questions concerning human dignity, but it will definitely give a new perspective to rethink our conceptual understanding of moral issues.

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Richards, M., Pennings, G. and Appleby, J. B. (eds.), 2012, *Reproductive Donation. Practice, Policy and Bioethics*. Cambridge, UK: Cambridge University Press. 320 pages. ISBN: 978-1107007772. Price: £21.99.

This book gathers the contributions of several authors who, adopting an interdisciplinary perspective, provide a rich analysis of one of the most controversial aspects of assisted reproduction: *reproductive donation.* This topic includes the practices of egg, sperm and embryo donation, as well as surrogacy contracts. Martin H. Johnson analyses the influence of social, ethical and political factors in the recourse to assisted reproductive technologies (ART). Departing from medical considerations on the use of eggs, sperm and embryos, the author makes a distinction between myths and real risks involved. The third chapter explores the intersection between bioethics and social science in ART. Fruitful considerations about justice, eugenics and reproductive remuneration are offered by the author. The fourth chapter attempts to identify those individuals who are often considered "good candidates" to become parents, and who, consequently deserve to have access to ART. According to the author, the judgment's criteria frequently used to answer this question are erroneous because they are based on personal characteristic, such as the sexual orientation and the marital status. The fifth chapter, departing from an anthropological and ethnographical overview of reproductive donation and the "third-party rule", highlights the ethical implication of reproductive donations in three monotheistic religions: Judaism, Christianity and Islam. The sixth chapter shows the legal aspects of gamete donation in two countries, United Kingdom and the US, which have very different guidelines and legislation. The seventh chapter explores the legislation of ART in a country that has become destination for reproductive tourism from abroad: Spain.

The following topics are also discussed: donors' anonymity and payment, and the right of children born thought ART to know their biological origins. The chapter eighth investigates the growing phenomena of sperm and embryos' national crossing borders, which represent a solution to whom, circumventing the strict laws existing in their countries, undergo reproductive treatments abroad. The authors promote the international recognition of these practices in order to guarantee better conditions and more transparent information. The ninth chapter discusses the system of recruitment of gamete donors, which in the majority of the countries do not supply the demand. Some alternatives are taken in consideration, such as the commercialization of body material and the eggs-sharing.

The tenth chapter analyses the topic of gametes' donations within the same family. The authors attempt to individuate the reasons, and the risky consequences related

to this particular arrangement. The eleventh chapter examines the ethical debate about women and men who deliberately decide to have children through ART without a partner. Although parenthood is a central experience to the majority of societies, there are many concerns about the real possibility of building an ideal family as single parents. In the twelfth chapter ("Reproductive donation and justice for gay and lesbian couples"), the authors claim that everyone deserves to experience parenthood, regardless of the sexual orientation. In the thirteenth chapter ("Is disclosure in the best interest of children conceived by donation?") the author tries to answers to the question, suggesting three types of consideration with respect to the disclosure: medical welfare (knowing the genetic background can help to prevent or cure a disease), family welfare (the disclosure could jeopardize the stability of the entire family) and rights (the child's positive right to know). The fourteenth chapter explores the possible implications of an "open-identity" of donors and siblings. The analysis tends to investigate some of the characteristics that could affect the experience of open-identity donation: age, sexual orientation and marital status, for instance. The last three chapters show the differences between embryo donation and adoption, explore surrogacy arrangements (stressing the risks of exploitation implied in the practice), and discuss the legal and social consequences of parentage in collaborative procreation. In sum, this volume provides a rich and comprehensive collection of views on one of the most controversial areas of reproductive technologies, and offers new insights into reproductive donation.

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MacKellar, C, Jones, D.A. (eds.): 2012, *Chimera's Children. Ethical, philosophical and religious perspectives on human nonhuman experimentation*. London: Continuum. 215 pages. ISBN 978-1-4411-6984-0. Price: £18.99.

MacKellar and Jones's *Chimera's Children* addresses a diversity of issues that are at stake in creating human-non human entities for research purposes. The book, commissioned by the Scottish Council on Human Bioethics, discusses legal, ethical, philosophical and religious aspects of the human-nonhuman barrier breach, from pragmatic concerns about safety to fundamental questions of human nature and human dignity. The book's editors view the issue with a broad perspective and illuminate the fundamentality of questions that arise when this kind of research is conducted: What is the moral status of the new biological entities? How much human must a human-nonhuman combination be for human legislation to apply? What defines humanity in the context of these new beings?

The volume is divided into three parts. The first part addresses the recent history of human-non-human combinations. The revealed attempt of the Soviet government to cross humans with apes and to create the ultimate soldier—insensitive to pain and indifferent about food—leaves the reader reconsidering the absurdity of related myths, science fiction literature and fantasy films. The comparison of regulations leads through international law of the United Nations, the Council of Europe and the European Union to national regulations of Argentina, Germany, Japan, Estonia, Switzerland, Canada, South Korea, Australia, France, the United States and the United Kingdom. The editors demonstrate that serious regulation gaps remain and emphasize the need for extensive consultation and reflexion to shape national legislation.

The second part describes successfully conducted and promising research procedures in a language which is easily comprehensible without advanced knowledge of natural sciences. Each of the practises is explained through an example that is analysed under the legal framework of the United Kingdom and surveyed under ethical aspects, clarifying what key issue is precisely at stake.

The third part of *Chimera's Children* discusses various cultural, worldview and ethical perspectives about the topic. The detailed part on ethical perspectives seeks to classify different arguments—either considering the creation of human-nonhuman entities intrinsically wrong, or viewing the combinations extrinsically wrong. The book, though, does neither explicitly introduce arguments in favour of human-nonhuman combinations, nor does it offer a concrete confrontation of the diverse argumentations. It will nonetheless inspire readers as a source of thoughts to draw their own conclusions.

Overall, *Chimera's Children* is a comprehensive contribution to the subject providing the reader with a good introduction to the specific ethical issues at stake when crossing the human-nonhuman boundaries. The book does not attempt to offer a detailed proposal, but rather presents the range of aspects that need to be taken into account when considering human-nonhuman combinations. In contrast to the approach of other works, the issue is not primarily understood in relation to the protection of the created creatures, but questions whether it is inherently unethical to create such entities in the first place. The volume is indisputably reasonable in its principal call for a well-informed public dialogue and will serve as a central source for future scientific and ethical debate.

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Biegler, P.: 2011, *The Ethical Treatment of Depression: Autonomy through Psychotherapy*. Cambridge, MA: MIT Press. 224 pages. ISBN: 978-0-262-01549-3. Price: £ 24.95

This book stems from the doctoral thesis of Paul Biegler, postdoctoral research fellow at Monash University, in Melbourne, Australia. The author proposes an original and integrative view of the treatment of depression, a disorder that every year affects a growing number of people around the world. Criticizing the use of only antidepressant medication (ADM) to heal sick patients, Biegler emphasizes the importance of psychotherapy as an alternative cure for depression. According to him, cognitive behaviour therapy (CBT) represents an effective and available solution, whose efficacy consists in the promotion of personal autonomy in depressed patients. The volume is divided into seven chapters. In the first chapter, the author describes briefly the purpose of his research and the geographical context where his empirical studies have been carried out: Australia. After showing the difference between CBT and ADM, both measured with the "Hamilton Rating Scale for Depression", Biegler writes that unfortunately in Australia just a reduced portion of the population (one out of four) affected by depression receive an adequate psychotherapy. In addition, he claims that Cognitive Behaviour Therapy not only can promote patient's personal autonomy, but also represents the key of a successful therapy against depression. In fact, as reported by the author, a cure based only in the administration of medicinal antidepressants conducts to poor results.

In the second chapter, entitled "Autonomy: The importance of justified Beliefs about Material Facts", the author sets out the characteristics of two elements that constitute autonomy: liberty and agency. In an attempt to justify his conception of autonomy, the author invokes four contemporary theories, which are based on different types of desires that are compatible with actions under agents' control. Arguing that the clinical utility of desire-based theories leads to conceptual difficulties, he focuses on the nature of the beliefs that the agents must hold in order to act autonomously. As the chapter's title suggests, beliefs need to be justified through material facts, which could be completely understood by the agent who chooses autonomously.

Biegler argues in the third chapter that autonomy is reached through the comprehension of the emotional response. This is strictly related to the agent's beliefs, and contributes to a realistic environmental appraisal. Therefore, unjustified beliefs, if subjected to emotional reinforcement, provoke negative consequences on autonomy. According to Biegler's view, emotion helps to stimulate behaviours, and this is fundamental within the decision-making context.

In the fourth chapter, the author shows how autonomy is put at risk by negative biases. In addition, he argues that a failure to understand depression affects patient's autonomy. According to him, there is a close relationship between stressful events in life and depression. Unfortunately, the evidence of this connection is jeopardized by the common medical conception of depression, often considered as a merely "brain based" disorder.

The fifth chapter describes the two principal depression treatments, CBT and ADM, highlighting how each of them, in a peculiar way, deals with negative information-processing biases. Conforming to Biegler's first point, while CBT requires the acceptance of the poor evidential values of negative affect in depression, in ADM this kind of comprehension is not contemplated. Another difference between the two therapeutic approaches is that patients treated with CBT can better hold the justified beliefs about material facts concerning triggering events and, consequently, are able to promote the autonomy of their decisions.

In the sixth chapter, the author wants to stress the superiority of CBT over ADM by showing the better effects of promoting autonomy through the former treatment. In fact, Cognitive Behaviour Therapy could evoke negative affect signals stressors and to teach strategies about their management.

In the last chapter, Biegler states that in order to promote patient's autonomy, physicians have the moral obligation to recommend and provide CBT to those patients who suffer from depressive disorder. Nevertheless, the author is aware that making treatment recommendations to patients is difficult because there are several principles that doctors have to consider and which might compete with autonomy. However, for Biegler, the presence of other principles is not a sufficient reason to reduce the importance of autonomy's promotion. He concludes that autonomy has to represent the primary objective in the treatment of depression.

The book offers an interpretation of depression's cure that includes both ethical aspects and empirical data. It is a good example of how the philosophical approach could match with the medical practice and support it. This volume also provides practical suggestions for doctors. Biegler's intention is not to deny the importance of antidepressant as part of the therapy, but rather to show that autonomy, if correctly stimulated, could assume a role in the treatment.

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